

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ANTHONY C. WOODS,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 05-812-SLR
)	
)	
SUE SCHAPPELLE and)	
DR. ROBERTA BURNS,)	
)	
Defendants.)	

ORDER

WHEREAS, plaintiff, Anthony C. Woods, filed a civil rights action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee;

WHEREAS, on August 30, 2006, the court entered an order requiring plaintiff to complete and return a USM-285 form for defendant Sue Schappelle, and informing plaintiff that the United States Marshal would not serve the complaint until the USM-285 form was received by the clerk of the court, and that failure to provide the USM-285 form within 120 days from the date of the order may result in defendant Schappelle being dismissed pursuant to Fed. R. Civ. P. 4(m) (D.I. 22);

WHEREAS, to date, the required USM-285 form has not been received from plaintiff;

THEREFORE, at Wilmington this 8th day of December, 2006, IT IS HEREBY ORDERED that defendant Sue Schappelle is DISMISSED

WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 4(m).



United States District Judge